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4

Number of Pages (including this page)

Date: 01/10/2006
To: Shin, Kyung H. Art Unit 2143
Location: United States Patent and Trademark Office
Fax No.: 571-273-8300 Centralized Facsimile Number
From: Matthew C. Loppnow REG. NO. 45,314
Subject: Serial No.: 09/575,749 Docket No.: CS10614


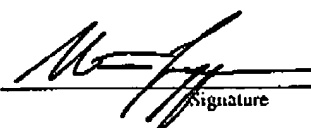
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MESSAGE:

Enclosed herewith, please find **NOTICE OF APPEAL** for filing in the below-identified application.

EXAMINER:	Shin, Kyung H.
ART UNIT:	2143
APPLICATION SERIAL NO.:	09/575,749
FILE DATE:	05/22/2000
INVENTOR:	Alberth et al.

JAN 10 2006

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number CS10614												
<p>I hereby certify that this correspondence is being facsimile transmitted to facsimile number (571) 273-8300 or deposited with the United States Postal Service with sufficient postage thereon, as first-class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on the date listed below: 01/10/2006</p> <p>Signature <u></u> Typed or printed name <u>Jennifer Magness</u></p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px 5px;">In re Application of</td> <td style="padding: 2px 5px;">Alberth et al.</td> </tr> <tr> <td style="padding: 2px 5px;">Application Number</td> <td style="padding: 2px 5px;">09/575,749</td> </tr> <tr> <td style="padding: 2px 5px;">Filed</td> <td style="padding: 2px 5px;">05/22/2000</td> </tr> <tr> <td style="padding: 2px 5px;">For</td> <td style="padding: 2px 5px;">SMART CARD WITH BACK UP</td> </tr> <tr> <td style="padding: 2px 5px;">Art Group</td> <td style="padding: 2px 5px;">2143</td> </tr> <tr> <td style="padding: 2px 5px;">Examiner</td> <td style="padding: 2px 5px;">Shin, Kyung H.</td> </tr> </table>		In re Application of	Alberth et al.	Application Number	09/575,749	Filed	05/22/2000	For	SMART CARD WITH BACK UP	Art Group	2143	Examiner	Shin, Kyung H.
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<p>Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.</p> <p>The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$ <u>500.00</u></p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____</p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a Fee Transmittal in duplicate.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any over payment to Deposit Account Number 502117. I have enclosed a Fee Transmittal.</p> <p><input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.</p> <p style="text-align: center;">WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTX/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>45,314</u></p> <p><input type="checkbox"/> Attorney or agent acting under 37 CFR 1.34(a). Registration number if acting under 37 CFR 1.34(a) _____</p> <div style="text-align: right; margin-top: 10px;">  _____ Signature <u>Matthew C. Loppnow</u> Typed or printed name <u>(847) 523-2585</u> Telephone number <u>01/10/2006</u> Date </div> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input checked="" type="checkbox"/> * Total of <u>1</u> forms are submitted.</p>														

This collection of information is required by 37 CFR 1.91. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Office, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450 DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

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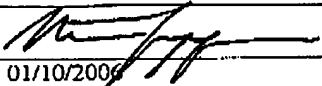
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FEE TRANSMITTAL Patent fees are subject to annual revision <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Complete if Known		
		Application Number	09/575,749	
		Filing Date	05/22/2000	
		First Named Inventor	Alberth et al.	
		Examiner Name	Shin, Kyung H.	
TOTAL AMOUNT OF PAYMENT		(\$) 500.00	Group Art Unit	2143
		Attorney Docket No.	CS10614	

METHOD OF PAYMENT (check all that apply)						FEE CALCULATION (continued)																																																																																																																																																																																																																																									
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The Director is authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.						<table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th>Large Entity</th> <th>Small Entity</th> <th>Fee Description</th> <th></th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> <th></th> <th></th> </tr> </thead> <tbody> <tr> <td>1051</td> <td>130</td> <td>2051</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> <td></td> </tr> <tr> <td>1052</td> <td>50</td> <td>2052</td> <td>25</td> <td>Surcharge - late Provisional filing</td> <td></td> </tr> <tr> <td>1053</td> <td>130</td> <td>1053</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>1812</td> <td>2520</td> <td>1812</td> <td>2520</td> <td>For filing a request for ex parte Reexamination</td> <td></td> </tr> <tr> <td>1804</td> <td>920*</td> <td>1804</td> <td>920*</td> <td>Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td>1805</td> <td>1840*</td> <td>1805</td> <td>1840*</td> <td>Requesting publication of SIR after Examiner action</td> <td></td> </tr> <tr> <td>1251</td> <td>120</td> <td>2251</td> <td>60</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>1252</td> <td>460</td> <td>2252</td> <td>225</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>1253</td> <td>1020</td> <td>2253</td> <td>510</td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>1254</td> <td>1590</td> <td>2254</td> <td>795</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>1255</td> <td>2160</td> <td>2255</td> <td>1080</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>1401</td> <td>500</td> <td>2401</td> <td>250</td> <td>Notice of Appeal</td> <td>500.00</td> </tr> <tr> <td>1402</td> <td>500</td> <td>2402</td> <td>250</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>1403</td> <td>1000</td> <td>2403</td> <td>500</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>1451</td> <td>1510</td> <td>1451</td> <td>1510</td> <td>Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>1452</td> <td>500</td> <td>2452</td> <td>250</td> <td>Petition to revive - unavoidable</td> <td></td> </tr> <tr> <td>1453</td> <td>1500</td> <td>2453</td> <td>750</td> <td>Petition to revive - unintentional</td> <td></td> </tr> <tr> <td>1501</td> <td>1400</td> <td>2501</td> <td>700</td> <td>Utility issue fee (or rehear)</td> <td></td> </tr> <tr> <td>1502</td> <td>800</td> <td>2502</td> <td>400</td> <td>Design issue fee</td> <td></td> </tr> <tr> <td>1503</td> <td>1100</td> <td>2503</td> <td>550</td> <td>Plant issue fee</td> <td></td> </tr> <tr> <td>1460</td> <td>130</td> <td>1460</td> <td>130</td> <td>Petitions to the Commissioner</td> <td></td> </tr> <tr> <td>1807</td> <td>50</td> <td>1807</td> <td>50</td> <td>Processing fee under 37 CFR 1.17(k)</td> <td></td> </tr> <tr> <td>1806</td> <td>100</td> <td>1806</td> <td>100</td> <td>Submission of IDS</td> <td></td> </tr> <tr> <td>8021</td> <td>40</td> <td>8021</td> <td>40</td> <td>Recording each patent assignment per property (times number of properties)</td> <td></td> </tr> <tr> <td>1809</td> <td>790</td> <td>2309</td> <td>395</td> <td>Filing a submission after final rejection (37 CFR § 1.125(a))</td> <td></td> </tr> <tr> <td>1810</td> <td>790</td> <td>2810</td> <td>395</td> <td>For each additional invention to be examined (37 CFR § 1.126(b))</td> <td></td> </tr> <tr> <td>1501</td> <td>790</td> <td>2801</td> <td>395</td> <td>Request for Continued Examination</td> <td></td> </tr> <tr> <td>1802</td> <td>900</td> <td>1802</td> <td>900</td> <td>Request for expedited examination of a design application</td> <td></td> </tr> <tr> <td colspan="6"> Fee Paid (\$): \$1,520.00 </td> </tr> <tr> <td colspan="6">5. 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Loggnow</td> <td>Registration No.</td> <td>45,314</td> </tr> <tr> <td colspan="2">Signature</td> <td colspan="2"></td> <td>Telephone</td> <td>(847) 523-2585</td> </tr> <tr> <td colspan="2"></td> <td colspan="2"></td> <td>Date</td> <td>1/10/06</td> </tr> </tbody></table>						Large Entity	Small Entity	Large Entity	Small Entity	Fee Description		Fee Code	Fee (\$)	Fee Code	Fee (\$)			1051	130	2051	65	Surcharge - late filing fee or oath		1052	50	2052	25	Surcharge - late Provisional filing		1053	130	1053	130	Non-English specification		1812	2520	1812	2520	For filing a request for ex parte Reexamination		1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action		1805	1840*	1805	1840*	Requesting publication of SIR after Examiner action		1251	120	2251	60	Extension for reply within first month		1252	460	2252	225	Extension for reply within second month		1253	1020	2253	510	Extension for reply within third month		1254	1590	2254	795	Extension for reply within fourth month		1255	2160	2255	1080	Extension for reply within fifth month		1401	500	2401	250	Notice of Appeal	500.00	1402	500	2402	250	Filing a brief in support of an appeal		1403	1000	2403	500	Request for oral hearing		1451	1510	1451	1510	Petition to institute a public use proceeding		1452	500	2452	250	Petition to revive - unavoidable		1453	1500	2453	750	Petition to revive - unintentional		1501	1400	2501	700	Utility issue fee (or rehear)		1502	800	2502	400	Design issue fee		1503	1100	2503	550	Plant issue fee		1460	130	1460	130	Petitions to the Commissioner		1807	50	1807	50	Processing fee under 37 CFR 1.17(k)		1806	100	1806	100	Submission of IDS		8021	40	8021	40	Recording each patent assignment per property (times number of properties)		1809	790	2309	395	Filing a submission after final rejection (37 CFR § 1.125(a))		1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.126(b))		1501	790	2801	395	Request for Continued Examination		1802	900	1802	900	Request for expedited examination of a design application		Fee Paid (\$): \$1,520.00						5. 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		Group Art Unit	2143
		Examiner Name	Shin, Kyung H.
Total Number of Pages in this Submission	2	Attorney Docket Number	CS10614

ENCLOSURES		(check all that apply)
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Licensing-Related papers	<input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/>	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/Declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter with appropriate copies
<input type="checkbox"/> Extension of time Request	<input type="checkbox"/> Power of Attorney, Revocation,	<input type="checkbox"/> Other Enclosure(s) (please identify below)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Response to Restriction Requirement
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	<input type="checkbox"/> Associate Power of Attorney
<input type="checkbox"/> Certified Copy of Priority Documents	<input type="checkbox"/> CD, Number of CDs	<input type="checkbox"/> RCE
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		<input type="checkbox"/> Copy of Notice to File Missing Parts
<input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53		Remarks
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual	Matthew C. Loppnow	Registration No. 45,314
Signature		
Date	01/10/2006	